

ADS and one of its insurance carriers, Lumbermens Mutual Casualty Co. (“Lumbermens” hereafter), ask the Appeals Board to reconsider its prior order of remand in this matter.

BACKGROUND AND DISCUSSION

In its prior order, the Appeals Board concluded that Judge Sessions had erred in granting Lumbermens’ motion to dismiss Mr. O.’s claim for workers’ compensation benefits. The Appeals Board therefore remanded Mr. O.’s claim to Judge Sessions for further adjudicative proceedings.

Lumbermens now asks the Appeals Board to revisit this matter, citing § 63-46b-13 of the Utah Administrative Procedures Act as authority for the Appeals Board to undertake such reconsideration. However, § 63-46b-13 only allows reconsideration of orders that “would otherwise constitute **final** agency action.” (Emphasis added.) The Appeals Board’s order of remand in this case does not constitute final agency action. Consequently, the Appeals Board has no authority to reconsider the order.

ORDER

The Appeals Board dismisses Lumbermens’ request for reconsideration and returns Mr. O.’s claim to the Adjudication Division. It is so ordered.

Dated this 31st day of October, 2005.

Colleen S. Colton, Chair

Patricia S. Drawe

Joseph E. Hatch